IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO. 636 OF 2005.

Ramdeo Chemicals Pvt. Ltd. ..Petitioner
Vs.
M/s Ronilo Pharma Pvt. Ltd. ..Respondent.

Mr. K.C. Poorthy i/b Nimish K. Shah for the petitioner.
Mr. J.P. Shah for the respondent.

CORAM : S.J. VAZIFDAR, J.
DATE : 2ND MARCH, 2006.

P.C.

. According to the petitioner, the respondent is indebted to it in the sum of Rs. 7,70,789.

2. The petitioner claims the said amount in respect of the goods sold and delivered by the petitioner to the respondent on the terms and conditions contained in various invoices. That the goods were supplied is not denied. That the same were supplied as per the terms and condition of the invoices is not denied.

3. The Company issued 4 cheques, dated 16th August, 2004, 11th September, 2004, 30th September, 2004 and 16th October, 2004, in the sum of Rs. 1,82,700, Rs.

1,84,527, 1,84,527, and Rs. 92,269 respectively. The said cheques were dishonoured. There is no dispute that the cheques were in respect of the aforesaid transaction.

4. The only dispute that was sought to be raised on merits was that the goods were defective and not as per the specifications. The goods were however, not returned. There is nothing on record that supports this defence. The defence is an afterthought, not bona-fide and is dishonest.

5. The cheques were dishonoured as the funds in the account of the respondents were insufficient. There is little, if any doubt, that the respondent company is liable to the petitioner for the said amounts. There is little, if any doubt, that the respondent wrongly did not arrange sufficient funds to have the cheques honoured.

6. The liability under section 138 of Negotiable Instruments Act is a different matter in respect whereof, I am told, that the petitioner has already adopted proceedings. The petitioner is at liberty to

apply to have those proceedings expedited.

7. There is no defence regarding the cheques being dishonoured. There is no defence to the Petitioner's claim on merits.

8. However, the statutory notice was not served on the registered office of the Company. The learned Counsel appearing on behalf of the petitioner submits that the registered office of the company is as under:

" Pharma Pvt. Ltd. 402, Panchsheel Tower, Gokul Dham, Goregaon (E), Mumbai-63"

9. In the circumstances, the petition is dismissed. The petitioner is however, at liberty to file a fresh petition after serving a fresh statutory notice on the registered office of the Company as stated above or as may be the correct registered office.